

Application No. 10/647,657
Filed: August 25, 2003
TC Art Unit: 3731
Confirmation No.: 2131

REMARKS

Applicants will file a terminal disclaimer with respect to U.S. Patent No. 6,610,071 with respect to the pending claims upon indication of allowability.

Claims 1-14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Ovil or Philips in view of Goldberg. Applicants respectfully traverse this rejection. First, Ovil teaches the use of colored dots at column 8, lines 38-50 on upper ring 214 on handle 204. Ovil does not teach or suggest the use of an indicator on the suture strand itself as recited in the claims. Philips teaches different colors on different sutures but not on a double stranded suture for a needle. Although, Goldberg shows a double stranded suture in Fig. 5, this is used as a single needle not as a sequence of connected needles (See column 3, lines 45-64). Further, Goldberg discloses the use of this single needle suture for eye surgery not for a prosthetic implant.

Claims 1-14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Meshalkin in view of Philips. However, Philips teaches color coding separate suture needle pairs. Philips does not disclose or suggest color coding strands attached to the same needle. Meshalkin does disclose more than two needles connected by suture strands, however, he does not teach or suggest

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incorporating different colors or any other indicator to distinguish a connected series of at least three needles as recited in the present claims.

One skilled in the art would simply use the different colors of Philips on different suture/needle assemblies of Meshalkin. It would not be obvious to the skilled artisan to use different colors in a double stranded needle as described in the present application. Applicant respectfully requests consideration of the claims.

The Examiner is encouraged to telephone the undersigned

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attorney to discuss any matter that would expedite allowance
of the present application.

Respectfully submitted,

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